



Notice of Employee and Contractor “Whistleblower” Protections And Obligations



Violations of Hospital Licensing Laws or Rules

An employee, contractor or other person acting in good faith who makes or assists in making a report or complaint of a violation of hospital licensing standards, or who assists the Department in its licensing activities, is immune from civil or criminal liability that might otherwise be incurred and is protected under the Whistleblowers' Protection Act, 1980 PA 469, MCL15.361 to 15.369. Unless the person agrees in writing, the Department will keep the person's identity confidential until disciplinary proceedings under this article are initiated and the person is required to testify in the disciplinary proceedings. If disclosure of the person's identity is considered by the department to be essential to the disciplinary proceedings and if the person is the complainant, the Department shall give the person an opportunity to withdraw the complaint before disclosure.

Other Unsafe Hospital Practices Or Conditions

A hospital employee or contractor is immune from civil or criminal liability that might otherwise be incurred-- and shall not be discharged, threatened, or otherwise discriminated against by the hospital regarding that person's compensation or the terms, conditions, location, or privileges of that person's employment-- if that person reports to the Department, verbally or in writing, an issue related to the hospital that is an unsafe practice or condition that is not a violation of hospital licensing laws. These protections do not limit, restrict, or diminish, in any way, the protections afforded under the Whistleblowers' Protection Act, 1980 PA 469, MCL 15.361 to 15.369.

Unless the person is required by law to report earlier, a hospital employee or contractor is eligible for this immunity and protection only if they meet both of the following conditions before reporting to the unsafe practice or condition that is not a violation of hospital licensing laws:

- (a) The person must give the hospital 60 days' written notice of the unsafe practice or condition. (Within 60 days after receiving a written notice, the hospital must provide a written response to the person who provided the notice); and
- (b) The person had no reasonable expectation that the hospital had taken or would take timely action to address the issue related to the hospital that is an unsafe practice or condition.

To Get More Information

A complete copy of Section 20180, the Whistleblower Protection Act and information about lodging a complaint may be obtained from the Department Web site at <http://www.michigan.gov/bhs> or by calling 517-241-4160.